the appointment of the special Public Prosecutor?

Mr. H. V. NARAYANA RAO.—Notice.

Mr. S. RAMAPPA.—If, as usual, the Advocate-General had conducted this case also, would not the Government have saved expenditure to that extent?

Mr. H. V. NARAYANA RAO.—Yes.

Mr. Bhupalam R. CHANDRASEKHARAYYA.—Of course, the High Court have observed that the present Government were exercising their powers with restraint and discretion. Nevertheless they have expressed the apprehension that the rule referred to in the judgment might be a dangerous weapon in the hands of future Governments. Is it not desirable to ensure now alone that the future Governments do not abuse this power?

Mr. H. V. NARAYANA RAO.—Government do not think so.

Mr. S. N. M. RAZVI.—Is it possible to foresee the nature of the constitution of future Governments?

Mr. H. V. NARAYANA RAO.—No.

Mr. K. CHENGALARAYA REDDY.—It is going to be responsible Government.

Mr. S. N. M. RAZVI.—It remains to be seen.

Mr. K. MANJAPPA GOWDA.—Was a special Public Prosecutor appointed on the ground that the Advocate-General could not conduct the case?

Mr. H. V. NARAYANA RAO.—No.

Mr. K. MANJAPPA GOWDA.—Did the special Public Prosecutor possess any better qualification than the Advocate-General?

Mr. H. V. NARAYANA RAO.—No.

Mr. A. N. RAMA RAO.—Was it only in this particular case that a special Public Prosecutor was appointed, or is it usual to do so whenever necessity demands it?

Mr. H. V. NARAYANA RAO.—It has been done in a number of cases.

GOVERNMENT BUSINESS—BILLS—*contd.*

Labour Bill—*contd.*

Before further discussion of the principles of the Bill was taken up,

Mr. K. CHENGALARAYA REDDY suggested that the amendments suggested by Mr. M. N. Jois and himself be taken up at the end.

Mr. Bhupalam R. CHANDRASEKHARAYYA urged that the amendments be taken up first.

Mr. K. CHENGALARAYA REDDY quoted the example of the Legislative Council in which discussion of the principles of the legislative measures preceded discussion of amendments.

The MINISTER for LOCAL SELF-GOVERNMENT and PUBLIC HEALTH (Mr. H. B. Gundappa Gowda) said that the procedure referred to was special to the Legislative Council.

Mr. M. SITARAMA SASTRI suggested that the principles of the Bill as well as the amendments might be discussed together.

Messrs. S. I. MUMTAZ, S. C. MALLIAH, S. N. M. RAZVI, KHAJI SYED YUSUF SAHIB, A. SRIKANTIAH, Nawab SHER KHAN, A. N. RAMA RAO, F. C. DEVARAJ URS and others preferred the amendments being disposed of first.

Mr. N. RAMA RAO however thought that it was better to discuss the principles of the Bill first and the amendments next.

Mr. C. SUBBANNA NAIK agreed to this view.

The PRESIDENT stated that under the Rules and Standing Orders relating to the conduct of business in the Representative Assembly there was no provision for stages such as the First Reading, the Second Reading and the Third Reading of Bills. It was only the principles of Bills that could be discussed by the Assembly and not the details thereof. That being so, the question would naturally arise as to which of the proposed amendments related to the principles of the Bill and which to details of its provisions. Under existing Rules, the principles of a Bill could only be treated as being more or less on a par with resolutions. In other words, the amendments, if any, to a Bill would have to be discussed first and voted upon before its principles were taken up for discussion. If the amendments

were carried, then the principles, as amended, would have to be considered and put to vote.

Mr. K. CHENGALARAYA REDDY explained that what he meant was that discussion on the principles would proceed first and then on the amendments. Voting of the amendments would follow and the Bill as amended, if any of the amendments were carried, would finally be put to vote.

The PRESIDENT observed that if the principles were first discussed, it would be the natural consequence that they should be put to vote. In that case, the amendments would serve no purpose at all. He therefore thought it better that amendments should first be moved and voted upon before the principles could be discussed. This procedure would be more conducive to the disposal of business than the procedure suggested by Mr. K. Chengalaraya Reddy.

Thereupon Amendments to Bills were taken up for discussion.

AMENDMENTS.

Mr. M. N. JOIS moved the following amendments :—

(*a*) *Clause 13.*—At the end of sub-clause (4), *add* "The Court of Arbitration or the sole Arbitrator may refer any matter in which a decision on any question of law is required to the Industrial Court for its decision. Any award made by the Court of Arbitration or the sole Arbitrator shall be in accordance with such decision."

After sub-clause (4), *insert* "4-A. Notwithstanding anything hereinbefore contained, the Government may, at any time, refer any industrial dispute to the arbitration of the Industrial Court, if it is satisfied that—

(1) a serious outbreak of disorder or a breach of the public peace is likely to occur, or

(2) serious or prolonged hardship to a large section of the community is likely to be caused by reason of the continuance of the industrial dispute, or

(3) the prospect and scope for employment is curtailed as a result of the continuance of the industrial dispute."

Delete sub-clause (6), and in place *add* "The award shall come into operation on the date on which it is registered under sub-section (5) of Section 13."

In explaining the amendments, **Mr. JOIS** observed that the Government themselves had granted in a way that the present state of affairs concerning the labourers was not satisfactory. But, on going through the provisions of the Bill, it would become evident that the good intentions of the Government would not be achieved unless the proposed amendments were effected. He did not believe that it was really necessary for him to explain at any length the need for any of the amendments. It was within the recollection of everybody that only recently in connection with election disputes, different returning officers had placed different interpretations on the electoral rules with regard to the provisions relating to the date of birth of candidates. This was why he thought that public interest would best be safe-guarded by referring disputes to regular courts of law rather than to Courts of Arbitration.

The MINISTER for LAW (Rajaseva-prasakta A. V. Ramanathan) invited attention to provisions already made in draft rules published under the Emergency Act to the effect that the Court of Arbitration should consist of a Chairman who was or had been a Judge of the High Court of Mysore and two other independent members. Thus, the safety which the mover of the amendment wanted to provide had been already provided by the Government.

The PRESIDENT observed that all things considered, the amendments proposed by Mr. Chengalaraya Reddy appeared to be more in order than those suggested by Mr. M. N. Jois. All the same, he had admitted Mr. Jois's amendments also in order that all aspects of the question might be threshed out. It now looked to him that if Mr. Jois felt like withdrawing his amendments, the subject-matter thereof could as well be discussed in connection with the amendments to be moved by Mr. Chengalaraya Reddy.

Mr. M. N. JOIS however explained with reference to clause 13 (4) that his

amendments were in the main concerned with making the award of the Court of Arbitration binding on both the parties. As at present conceived, the provisions in this behalf would be binding only after both the parties agreed to submit to it. The experience of Madras in connection with the recent strike of employees in the Bus Services of that City would be of some practical value in this connection. The award was given in that case no doubt, but the proprietors of the Bus Services were not willing to abide by it and there was nothing to compel them to come to an understanding with the workers. The result was that the workers continued to suffer. Profiting by that experience, it would be well for the Mysore Government to devise some means whereby if they were satisfied that justice was not being done to the workers, the Government could compel the employers to come to an understanding with the workers. In other words, Government's interference appeared to be absolutely necessary. Secondly, in proposing the deletion of section 13 (6) his object was that when a case was under consideration of a Court of Arbitration, the same should not be called in question either before a Civil Court or before a Criminal Court. Thirdly, he was anxious that the award of a Court of Arbitration should be appealable. Appeals had been provided for in respect of even very trivial matters under other Acts. Such being the case, when thousands of employees and lakhs of rupees worth of wages were involved, it would not stand to reason that the poor labourers should be bound by the decision of one particular court. Such appellate authority should also consist of a High Court Judge or a person who had held that post, and two other independent men. With these objects, he had pleasure in placing the amendments before the House.

At this stage, **Mr. T. S. RAJAGOPALA IYENGAR** suggested that Mr. Chengalaraya Reddy also might be permitted to move the amendments standing against his name so that a discussion of all the amendments together might take place and when these were voted upon, the principles of the Bill as amended might be put to vote.

The PRESIDENT stated that each amendment should be supported and voted upon separately.

Mr. K. CHENGALARAYA REDDY however suggested a *via media*, namely, that all the amendments might be moved and discussed along with the principles of the Bill, the amendments however being first voted upon and then the principles.

Mr. Bhupalam R. CHANDRASEKHARAYYA was in favour of the suggestion from the Chair made earlier to the effect that Mr. Chengalaraya Reddy's amendments might be considered first as they seemed to include the more important of the amendments of Mr. Jois.

Mr. MIRZA AZIZULLA BEIG observed that no prolonged deliberation seemed called for with regard to the question of the order in which the amendments and the principles of the Bill should be discussed. The Bill proposed by the Government was before the House and, in the opinion of many members, was free from any objection. There were, however, two members who thought that the Bill was not all right and therefore proposed some amendments. It was quite competent for the members to move those amendments in the order in which they had been placed on the Agenda paper and for the House to discuss and vote upon each of them according to its own best lights. He therefore suggested that the amendments be considered and disposed of in an order.

Mr. N. RAMA RAO did not agree with the previous speaker. The amendments were not verbal in nature, but affected the principles of the Bill itself. They could not therefore be separated from the principles in the manner which the previous speaker seemed to suggest.

Mr. T. S. RAJAGOPALA IYENGAR again suggested that all the amendments might be moved and discussed and voted upon, the principles as amended being put to vote last.

The PRESIDENT said he could not agree to more than one amendment

being discussed at a time. Each amendment must be moved, seconded, discussed and disposed of.

Mr. T. S. RAJAGOPALA IYENGAR thought that amendments to the principles of a Bill need not be seconded.

The PRESIDENT ruled that it was necessary that such amendments should be seconded.

Mr. K. CHENGALARAYA REDDY seconded the amendments moved by Mr. Jois. The Minister for Law had stated that Government had already provided for the public the safety which Mr. Jois had in mind. With reference to that, the speaker wished to point out that the Court of Arbitration contemplated in the rules was not a court to be entrusted with unlimited powers. It was a court designed to give decision if and when a dispute arose. But the Court of Arbitration which Mr. Jois contemplated was a court which should exercise very much wider powers. The speaker further explained this point by adding that in cases where differences of opinion arose with regard to points of law, Mr. Jois wanted that a Court of Arbitration should give a decision. But that was not all. He also wanted an appellate Court of Arbitration as against an order made by a Registrar or a Commissioner. If both these powers could be entrusted to one and the same court, the speaker would have no objection at all. But he wanted that all the facilities created for either party under the Bombay Act should be provided in Mysore also.

The PRESIDENT thought that it would be best to deal with each amendment separately. One amendment proposed by Mr. Jois related to the creation of an Industrial Court and another related to the constitution of a Court of Appeal. These appeared to be two radically different proposals.

But **Mr. K. CHENGALARAYA REDDY** thought that both the duties and the powers could be entrusted to one and the same court. If therefore the question of defining the scope or jurisdiction was to be taken up, both the points could be discussed together.

The PRESIDENT pointed out that the two suggestions referred to seemed to correspond to amendments (*b*) and (*c*) suggested by Mr. Chengalaraya Reddy.

Mr. K. CHENGALARAYA REDDY replied that it was so but not in entirety. According to sub-section 4-A suggested by Mr. Jois, the Government might constitute an Industrial Court. Whereas amendment (*b*) of the speaker wanted that a court should be constituted by the Government and the decision of that court made binding on both the parties. This last feature had not been provided for clearly in the amendment of Mr. Jois.

Mr. A. V. RAMANATHAN stated that the decision would be binding even under the Bill before the House.

Mr. K. CHENGALARAYA REDDY wanted to know whether he could take it that the Government granted the necessity for compulsory arbitration.

Mr. A. V. RAMANATHAN replied that when once consent was given by the parties to an arbitration and the Court of Arbitration gave an award, that award was binding.

The PRESIDENT again pointed out the desirability of disposing of the amendments one by one.

Mr. K. CHENGALARAYA REDDY, agreeing to the suggestion, said that the first amendment (*a*) of Mr. Jois might be taken up by itself. With reference to that, he wanted that whenever a point of law arose, it must be referred to a court of law. In the Bill before the House no provision existed in that behalf. He therefore had pleasure in seconding the first amendment of Mr. Jois.

Mr. N. RAMA RAO asked whether the whole amendment of Mr. Jois was now open for discussion.

Mr. K. CHENGALARAYA REDDY said that he had understood that only the first part of the amendment (*a*) was before the House.

The PRESIDENT said that the whole of that amendment was before the House and that it could not be discussed piecemeal.

Mr. K. CHENGALARAYA REDDY urged that only the first part of the amendment relating to the constitution of the Industrial Court be discussed to

begin with, and that when the question of references to the Industrial Court was taken up, the whole of the amendment of Mr. Jois as well as amendment (*c*) of the speaker could be covered.

Mr. N. RAMA RAO observed that it would be dangerous to adopt that suggestion. The amendment (*a*) of Mr. Jois could not be discussed without discussing (*b*) also, and being so much of the essence of the matter, (*a*) and (*c*) would have no meaning at all without (*b*). He therefore urged that both (*a*) and (*b*) be considered together.

Mr. S. I. MUMTAZ rose to a point of order that in the absence of a provision in the Bill for the constitution of an Industrial Court, the amendment of Mr. Jois could not arise at all.

Mr. N. RAMA RAO said that that was the reason why he said that (*a*) would arise only after (*b*) was accepted, that is, if the necessity for the constitution of an Industrial Court was granted, the question of points to be referred to and decided by such a court would arise only after the first two points were disposed of. When the necessity or otherwise of an Industrial Court was itself open to doubt, there would be no meaning in trying to decide which were all the questions to be referred to such a court. It would be very well therefore if Mr. Jois moved both (*a*) and (*b*) together and discussed them together because there was a common principle underlying both the amendments.

The PRESIDENT remarked that it was best that each amendment was disposed of separately.

Mr. N. RAMA RAO pointed out that the amendments suggested disputes relating to points of law being referred to what was known as an Industrial Court. In the Bill before the House there was no such court contemplated. The amendment therefore implied the constitution of what was to be known as an Industrial Court. Such a court in his opinion was unnecessary because the Court of Arbitration already contemplated would consist of a High Court Judge and two other members and the Government themselves would refer disputes to such a court. A separate court was therefore unnecessary. The creation of too many courts would also lead to difficulties consequent upon endless litigation. If, at every stage, parties could go in appeal, the weaker of them would have endless trouble. For these reasons he opposed the amendment.

Mr. A. N. RAMA RAO also opposed the amendment on similar grounds.

At this stage, **Mr. M. N. JOIS** stated that he would like to withdraw the amendment as it was covered by amendment (*c*) of Mr. Chengalaraya Reddy which was going to be moved later and requested the House to permit him to withdraw his first amendment.

Mr. A. N. RAMA RAO was not in favour of the mover being permitted to withdraw the amendment. The House had bestowed sufficient time and attention on it and it would be mere waste of time if it was allowed to be withdrawn at that stage. He therefore urged that the amendment be put to vote so that further time of the House might not have to be spent on more or less a similar amendment standing against Mr. Chengalaraya Reddy's name.

Mr. Bhupalam R. CHANDRASEKHARAYYA thought that Mr. Rama Rao's suggestion would amount to the House forgoing its own privileges. It was quite open to any member at any stage of the discussion to ask for leave to withdraw his motion and if the House so felt, it could certainly permit the mover to withdraw.

The sense of the House being unanimously in favour, **Mr. M. N. JOIS** *withdrew his amendment.*

Amendment (b).

Mr. M. N. JOIS then moved amendment (*b*) which was as follows :—

"Between clauses 13 and 14, *add* the following as clause '13-A'."

"The Government may constitute an Industrial Court to decide appeals from orders passed by the Registrar under this Act, to decide appeals from the decision of the Commissioner of Labour under this Act and act as a Court of Appeal.

(1) The Industrial Court shall have the following personnel ;—

(*a*) Every member of this Court shall be a person not connected with any industry.

(*b*) Has been a Judge of a High Court and eligible for being appointed a judge of such court.

(c) It may have three or more members one of whom shall be its President.
(d) This Court may make rules not inconsistent with this Act and to its working."

He agreed that item (*d*) was a matter of detail and therefore requested that the House might consider the rest of the amendment as dealing with the principles of the Bill.

In moving this amendment, he argued that it would be very unfair to subject to punishments persons regarded as being responsible for alleged illegal strikes. It might be the opinion of one particular person that a strike was illegal. But another person might not share that opinion. There might be honest doubts attaching to the question whether a particular strike was legal or illegal. That opinion would also be based on the assumption that it was only such of the labourers as were interested in a particular factory that might be entitled to go on strike. This again was a point on which difference of opinion was possible. It was also a moot question whether persons not directly employed in a particular factory were or were not entitled to participate in a strike. For deciding all such points he thought that an appellate court was necessary to dispose of appeals from the Registrar's decisions.

Mr. K. CHENGALARAYA REDDY seconded the amendment. He said that amendment (*c*) standing against his own name also covered the same ground and so he was not going to move that amendment when his turn came. So far as the particular amendment before the House was concerned, he thought that Mr. M. N. Jois had explained the principle involved in it at sufficient length. But the speaker would only give one example to strengthen the case for the amendment. In clause 9 (1) there was a provision that an employer should furnish the Commissioner with a statement of standing orders regulating the relations between himself and his employees in certain matters. But in respect of matters falling within that clause there was no provision at present for appeals. A provision in that behalf existed in the Bombay Act. The agency provided in that Act was what was now proposed as an Industrial Court. In Mysore similarly, it was advisable to provide for appeals from the orders of the Registrar and the Labour Commissioner. It might be that most important matters might be involved in the standing orders referred to and the matters might also be open to dispute. Again, the Registrar might declare a particular strike to be illegal. As against that, there might be an illegal lock-out also. And if a strike was declared illegal and yet the strike continued, very heavy punishments were prescribed for all those responsible for it. Heavy punishments were also prescribed in the case of persons inciting such alleged illegal strikes. In accordance with other provisions of the Bill, outside persons —who might be persons of very high social standing—could be office-bearers of the labour unions and such persons also were going to be affected by the provision under reference. It was therefore very necessary that in matters of such vital importance, the Registrar's or the Commissioner's order should not be final. There was a Court of Arbitration already provided for under clause 13 (1). If appellate powers were given to the same court, the purpose of the amendment could as well be served. But with the principle involved in the amendment he was whole-heartedly in agreement.

Mr. N. RAMA RAO thought that the House might accept the principle as explained by the mover. It was but fair to provide for appeals against orders made by the Registrar or the Labour Commissioner. It might be that the Registrar or the Labour Commissioner might make an order declaring a strike or lock-out to be illegal, without making exhaustive enquiries or on the basis of information which was not always dependable. To ensure fair treatment to all the interests involved, a provision to admit of appeals would be very desirable. That would also secure an adequate measure of public confidence with regard to the administration of the law in question.

At this stage **Mr. K. CHENGALARAYA REDDY** brought to notice that in the amendment sent up by him he had said

that before further action could be taken, the declaration of a strike to be illegal should itself be lawful. Unfortunately the word "lawful" had been omitted in amendment (*c*) as admitted by the Dewan-President.

Mr. N. RAMA RAO agreed that it was very necessary to insert the word "lawful" before the word "declaration" in the said amendment. Otherwise it was possible that anybody might be punished even without the necessary formalities.

Mr. KHAJI SYED YUSUF SAHIB thought that it would be well to have a simple legislation rather than a cumbersome one. The arbitration court already provided for was going to consist of qualified and experienced persons, and could well be trusted to discharge its duties in the best interests of the labourers. There was therefore no need to include a number of needless provisions. As was stated by an earlier speaker, the existence of a number of courts would only lead to endless litigation. The Bill was clear enough as to the circumstances under which alone a strike or a lock-out could be declared to be illegal. And if even in such a case an appeal was provided for, unnecessary complications were sure to arise. On the whole, the Bill had been drafted very carefully and might well be adopted. It might be that a few extra provisions existed in the Bombay Act. But nobody was aware how those provisions were working and if the Bill before the House was further complicated, the poor labourers might in effect be denied the benefit of the legislation itself. He therefore opposed the amendment.

Mr. A. N. RAMA RAO thought that it was necessary to remember one or two points in understanding the mover's argument in favour of providing for appeals from orders made by the Registrar and the Labour Commissioner. The Court of Arbitration would come in under clause 13 only where both the parties wanted it. This in itself was unobjectionable.

Mr. T. S. RAJAGOPALA IYENGAR was of opinion that clauses 27 and 28 gave unrestricted and dictatorial powers to the Registrar. There was nothing to prevent the Registrar from declaring a strike to be illegal without proper investigation or enquiry. In such cases the consequences to the labourers would be very serious. Mr. K. Chengalaraya Reddy had suggested the addition of the word "lawful" before the word "declaration" in clause (*c*); but personally the speaker did not think that even that was a sufficient safeguard for the labourers. He therefore urged that the intention should be made clear by putting in the words "declared by the Registrar after enquiry to be illegal" in line 3 of section 28.

The PRESIDENT pointed out that those were details which could well be gone into by the Select Committee.

Mr. K. CHENGALARAYA REDDY said that he would not press that point if the Government accepted the principle of it.

The PRESIDENT said that the House was concerned at present with the necessity or otherwise for a court of appeal.

Mr. T. S. RAJAGOPALA IYENGAR said that a court of appeal was absolutely necessary because in all civil and criminal cases appeals, sometimes more than one, were provided for.

Mr. A. V. RAMANATHAN wished to make a statement at this stage to clarify the position, so far as the Government were concerned, and to facilitate a clearer grasp of the issues involved so far as the members of the House were concerned.

Two points had been mentioned with regard to the necessity for an Industrial Court: that according to section 9 (2), if a decision was given, there must be scope for either party to go in appeal against it; and secondly, that if the Registrar declared a strike or lock-out to be illegal, the persons responsible therefor would be liable, under sections 27 and 28, to punishment and therefore such an order should also be appealable. With reference to those points it was necessary to understand the reasons why the Government had made the provisions that they had. On a careful perusal of the relevant provisions of the Bill, members would see that within a stated period from the date of commencement of the Act the proprietors

of industrial undertakings would be bound to notify to the Commissioner a copy of the standing orders in force in each undertaking. They would also be bound to send a copy thereof to the President of each association. Within 15 days from the receipt of such copy, the executive of each association would have to let the Commissioner know whether such standing orders were those actually in force or not. In cases of difference of opinion a summary enquiry was already provided for as in revenue cases. In such cases no points of law would be involved. They would relate only to points of fact. He fully agreed with Mr. N. Rama Rao that there should be no difference of opinion on such a simple matter as whether the standing orders were actually in force or not. This was exactly why in clause 10 (1), line 2, the words "standing order settled under section 9" had been put in. It was open to the association to say in the course of the summary enquiry that it was not in favour of a particular order and that it should be suitably modified. Conciliation, arbitration and the High Court Judge would come in later. Thus it would be incorrect to say that an appeal was not provided for. The House would also do well to remember in this connection that labourers after all were very poor men. They could not afford to engage the services of suitable counsel incurring all the expenses which litigation generally meant. If therefore they merely initiated a case, the Government would do everything that their interests demanded. This was the only object with which the relevant part of the Bill was drafted in a particular fashion.

Mr. K. CHENGALARAYA REDDY thought that the intention of the Government was not open to question at all. But he wanted that specific provision should be made enabling every association of labourers to apply for a review as in the case of the Bombay Act.

Mr. A. V. RAMANATHAN explained that Government had gone deep into that question, after consulting the Indian Trade Disputes Act, the Indian Trade Union Act, the Bombay Trade Union Act, etc. Unfortunately it was found that many practical difficulties stood in the way of a similar provision being put in the Bill before the House. Members would be interested to hear that even in Bombay there was no recognised trade union as such. So that a mere provision of law was not going to help anybody very much. Secondly, there seemed to be some misapprehension on the part of Mr. Jois when he referred to the hardships that would follow an off-hand decision of the Registrar that a particular strike or lock-out was illegal. That question also had been gone into by the Committee in great detail. Members would be glad to find one important point of difference between the Bill before the House and the Bombay Act. Under Sections 65 and 66 of the Bombay Act the labourers could be prosecuted for participation in a strike even though such participation was prior to the declaration that it was illegal. In Mysore, however, declaration of the strike or lock-out as illegal was necessary and it was only participation in or joining it subsequent to such declaration that was punishable. There was neither prosecution nor punishment for participation prior to the declaration. After all, the points enumerated in the section pertaining to the power of the Registrar to declare a strike or lock-out illegal were all points of fact and not of law. So that it was very easy for the labourers to prove their case. Even granting that the officer declaring a strike as illegal made a mistake on such simple points, it could be challenged in the court as if the prosecution was under the ordinary criminal law of the land. So that public interest would not suffer on account of the absence of special provision for appeal.

It was thus clear that under the Bill before the House the labourers were not going to suffer in any way and that on the contrary they were going to enjoy a privilege which they never enjoyed before, *viz.*, the privilege of forming associations of their own. Sections 34 and 35 were clear indications of such new privileges. He would therefore rest content with leaving it to the House to judge for itself whether or not the proposed

legislation would safeguard the best interests of labourers in Mysore.

Mr. S. N. M. RAZVI thought that the question had been discussed at sufficient length and might be put to vote.

Mr. J. T. GOPALAKRISHNAN stated that till now employers and labourers were somehow adjusting differences, if any, even without legislation like this. By providing for an elaborate machinery to adjust differences arising in future, Government were now creating enough difficulties and if they were also going to agree to provide for Courts of Appeal there would be no end to litigation, no peace for the employers, no contentment to the labourers and no finality to any decision. He was at a loss to know why people should anticipate all sorts of difficulties even before the Act came into force. It was a matter of common knowledge that as the number of courts increased, the difficulties of litigants also grew. Too many appeals in connection with labour disputes would only result in straining the relations between the employers and the employed. After all, good understanding between both was always necessary and desirable. The interests of the employers were intertwined with those of the labourers and the labourers could not expect a betterment of their conditions unless the employers also got on well. Members therefore would do well to see that differences, if any, between the employers and the employed were adjusted as far as possible out of court. Even Mahatma Gandhi favoured such a course and if differences could not be adjusted between themselves, the best way of restoring harmony and good understanding would be by arbitration and not through courts of law. But the Government had already taken a certain definite stand in the matter. The Bill before the House provided for a Registrar, a Commissioner and a Court of Arbitration. Members might rest satisfied with them for the present. No one need apprehend that justice to the labourers would not be secured by any of those agencies and that what so many agencies failed to do would be done only by an Industrial Court. The House might watch for some time how the proposed law was going to work. If in future amendments were really called for, they could easily be effected.

Nawab SHER KHAN also spoke in opposition to the amendment. He said that conditions in Mysore were far different from those in Bombay. The economic condition of the average citizen in Bombay which was much better than that of the average Mysorean, was partly responsible for litigation also being more in that presidency. It was in view of the poor economic condition of the Mysore labourer that Government had proposed this Bill so that justice could be dispensed both cheaply and quickly. The Bill provided for an adequate machinery for serving that noble purpose. But if future experience showed that further improvements were called for, there was nothing to prevent such improvements being made. He was surprised to hear an argument adduced by a previous speaker that, after all, the Registrar was an ordinary mortal and that even a High Court Judge might not be infallible. Above all every human agency must necessarily consist of human individuals. But would it be possible for that reason to invoke the aid of any agency other than human? By providing for too many courts, the House would only be prolonging disputes, strikes and lockouts and the procedure involved in the case would also be rendered too cumbersome. Meanwhile the industries could not thrive and the interests of the labourers themselves would be jeopardised. All things considered he thought that the House might accept the Bill as placed before it by the Government.

Mr. MIRZA AZIZULLA BEIG was not convinced even with the very principle underlying the amendment. He was not a little surprised at the suggestion that appeals should be provided for even from the awards as given by Courts of Arbitration. After all, strikes generally related to simple questions like payment of bonus and disciplinary action for absence of an employee from duty When such questions came up for enquiry and the enquiry itself was properly held, there could be no differences

at all as regards the correctness of the decisions. And if on such simple questions a series of appeals were to be provided for, either party might take undue advantage thereof and go on magnifying even minor issues. One enquiry and one arbitration therefore appeared quite adequate. So long as an issue was not finally settled, harmonious relations could not exist between the contending parties. Besides Government might be trusted to appoint duly qualified and experienced persons as members of the court so that nobody need apprehend that labourers were not going to secure full justice. He was therefore unable to appreciate or support the amendment.

Mr. A. SRIKANTIAH agreed with the Minister for Law that the proposed legislation was more liberal than the Acts in force in Bombay, Madras and elsewhere. It was calculated to safeguard the interests of labourers better than elsewhere. The speaker was therefor grateful to the Government and the Minister for Law for proposing such a well-conceived and welcome piece of legislation. Even Mr. Chengalaraya Reddy did not say that a separate court of appeal was absolutely necessary. What he meant was that some sort of appeal should be provided for. To a simple suggestion like that, there need be no opposition, at any rate, from a Government which had conceived of such a liberal measure calculated to secure the best interests of the labourers. A Government which had gone so far to safeguard the labourers' interests might also perhaps yield on that simple suggestion. Even if another appeal was provided for, it was not going to be availed of in cases where both parties agreed to a particular award. It would be availed of only in cases where there was a difference of opinion as between the parties. In any case there was going to be a High Court Judge appointed for the purpose. There would be no objection to the same judge being empowered to pass orders in appeals from orders of the Registrar.

Mr. Shampoor PAPANNA was definitely opposed to the amendment. The orders of the Commissioner of Labour might mean hardship in some cases. But then, as already explained by the Minister, a court of appeal already existed so that there was nothing to warrant the conclusion that the Commissioner's order was going to be the last word on the subject.

Replying to the debate, **Mr. M. N. JOIS** said that it was immaterial whether the Court of Appeal was known by that name or as an industrial court or in any other way. His point was that there must be an authority recognised as competent to hear appeals from the orders made by the Registrar. The Minister no doubt had invited attention to clauses 25 and 26 which clarified the circumstances and conditions, under which alone certain orders could be made by the Registrar and added that all the points involved being points of fact and not of law there would not be any differences of opinion on such points. But the point to be borne in mind was that, whether the points concerned were points of fact or of law and whether they were simple or complex, nobody could escape punishments once an order was made. That was why Mr. N. Rama Rao had said that the intention of the Government should be made clearer. The speaker also agreed that a regular court of appeal would mean extra cost to the appellant That was why Mr. Chengalaraya Reddy had suggested that the High Court Judge who would be a member of the Court of Arbitration might himself be constituted as the appellate authority. The Minister had stated that the Bill before the House never withdrew any privilege already open to labourers but on the other hand conferred fresh blessings on them. On that point the speaker was bound to bring to notice that clause 24 definitely withdrew a privilege which was already being enjoyed by labourers. In saying that a strike should be regarded as illegal if the object thereof was other than the furtherance of the interests of the employees directly engaged in a particular industry, the Government had certainly sought to snatch away the freedom of the labourers. President Roosevelt was making a series of appeals to countries across the Atlantic

to safeguard the interests of labourers. It was clear that the labourer was going to have his day in future. At such a time it would indeed be a pity if any Government withdrew the privileges already open to labourers. The Government of Mysore also were not unaware of this because even the Minister who had spoken on behalf of the Government had not definitely opposed the amendment. The speaker therefore hoped that the House would see its way to accept the amendment.

The PRESIDENT reminded the House that only the principle of the amendment was then under consideration. The mover had no doubt proposed then insertion of a full section between the existing sections 13 and 14; but he was sorry to say that the suggestions implied in that section could not be taken up *in toto* at that stage. Subject to that observation he would put the principle of the amendment to the vote.

The amendment was put to vote and carried, 123 members being in favour, *35* against *and 105* neutral.

Amendment No. 2 (*a*).

Mr. K. CHENGALARAYA REDDY moved that:

"Clause 2 be suitably amended, or necessary provision be made, so as to recognise (*i*) Federation of Associations either generally or pertaining to the same industry and (*ii*) All Mysore Confederation of Associations and Federations."

In doing so, he observed that trade union legislation was long overdue in Mysore but was not thought of yet. He was glad that the Government had at least proposed to create certain facilities for labourers in the shape of labour unions in connection with the Bill before the House. To that extent, they were entitled to public appreciation. But the legislation did not go far enough because it only sought to recognise associations of labourers employed in individual undertakings Trade Union legislation would have been more welcome because that would recognise unions of labourers employed in more than one concern of kindred character. Everybody agreed that a spirit of union must be cultivated by labourers. But that object would be frustrated if only separate organisations were recognised. The speaker was unable to understand why the Government should object to such common union on the part of labourers when they were actually aware that the different gold mining companies in the Kolar Gold Fields had a common organisation called the Central Mining Board for considering questions of common interests. If the four companies could work under the banner of a common organisation, it only stood to reason that the labourers in all the four mines should have scope similarly to combine. Such unions are also needed in regard to textile mills and several other industries in existence. All the labourers engaged in industrial undertakings engaged in work of the same nature ought to be free to have a central organisation of their own. That high principle of collective bargaining and collective action had been denied to the labourers under the proposed Bill. He was not prepared to say that the Government were actuated by any ulterior motive in denying them such a privilege. But he could not help apprehending that the effect of preventing the organisation of a central association would necessarily make for disunity among the labourers.

The PRESIDENT said that he understood the member to mean that he was not objecting to the structure of the proposed Bill, but was only suggesting a certain provision in addition to those already contained in the Bill.

Mr. K. CHENGALARAYA REDDY replied that it was so. He explained that his object in proposing a federation of associations was that the labourers should be free to go on a strike even if there was some trouble in a concern of which they were not employees, but the nature of which was similar to the undertaking in which they were working. Section 24 provided for the labourers going on strike only if there was trouble in their own factory. But he wanted that they should have the liberty to strike if there was trouble in any other undertaking of the same kind.

The PRESIDENT observed that such a provision would perhaps only lead to still more strikes.

Mr. K. CHENGALARAYA REDDY did not believe that it would be so, any more than that the number of lock-outs also would be larger.

The PRESIDENT wondered why labourers in a factory at Davangere, for example, should go on strike if there was trouble of any kind in a factory at Bangalore.

Mr. K. CHENGALARAYA REDDY stated that sympathetic strikes were a necessary part of what he meant by "collective bargaining."

Mr. M. N. JOIS seconded the amendment. He said that so long as different mill owners and different chambers of commerce and other institutions could have their own common organisations, labourers in factories ought to enjoy a similar privilege, as everybody knew that 'union was strength.' If the Government themselves had not recognised that, they would not have proposed this Bill at all. Having recognised that principle, they should in all fairness extend it to labourers also. Labourers invariably were poor people. The only weapon at their disposal was unity, and if this legislation did not give labourers at least that weapon, their interests were sure to be prejudiced. If on this one point the Government yielded, he expected the Bill to find unanimous support from the House. The purpose of this Bill could be fully achieved only if that one principle was conceded. Otherwise, he was afraid that the legislation would not secure the smooth working of factories and harmonious relations between the employers and labourers in future.

Mr. N. RAMA RAO opposed the amendment. It was granted that the sole purpose of this legislation was to ensure unanimity among labourers and good understanding between employers and labourers. If harmonious relations between the owner of a mill and the labourers therein should subsist, it was necessary that the two should come together and have some means of exchanging views. But the effect of adopting the amendment under discussion would be to further widen the gulf which already existed between employers and labourers rather than cementing the differences. Industrial undertakings had been defined as concerns in which not less than a hundred people were employed in one and the same place. According to that definition, the number of persons claiming to be members of a single organisation was large enough, and it would be a somewhat unwieldy affair, if labourers of a number of industrial undertakings engaged in work of the same nature were sought to be brought under one banner. In spite of this objection, he felt it reasonable to permit all labourers of more than one industrial undertaking to owe allegiance to a common central association provided that all such undertakings were owned by one and the same management and provided also that each of the federating units as well as the central association registered itself. He was not sure whether even that kind of a *via media* would not complicate matters. But the amendment went very much in advance of such a course and would have the effect of needlessly straining the relations between employers and labourers. He therefore strongly opposed the amendment.

Mr. Bhupalam R. CHANDRASEKHARAYYA was in favour of a central association of labourers of different industrial undertakings engaged in work of the same nature, being provided for and recognised. With this object he urged that item 12 under "Definitions" should be suitably modified. He was glad that reference had already been made to the future position of labour as envisaged by President Roosevelt. The Government of Mysore also should be prepared from now to give labour a position which it deserved. He was glad to find that the Government had already made a beginning in that direction because they had provided for representation for labour in the constitutional assemblies of the State. But he would appeal to the Government to consider how far they would be justified in denying the employees of one and the same undertaking, namely, the Mysore Railway, the privilege of having a common organisation of their

own. Necessarily, the employees of the Mysore Railway would be in different stations. But that in itself would not constitute a reason why they should be prevented from becoming members of a common organisation known as the Railwaymen's Association, the headquarter of which might be in a station different from that in which the employees themselves were engaged at any given time. If the employers could have a central organisation of their own, it did not stand to reason why similar organisation on the part of the labourers should go without recognition.

Mr. A. V. RAMANATHAN observed that there seemed to be a misapprehension on the part of certain members on this important point. They would do well to understand the purpose with which sub-clause (2) of clause 2, had been put in. Under that provision the Government could extend the privilege of association even to workmen who were engaged in different areas. Taking, for example, the very instance quoted by the previous speaker, namely, employees of the Mysore Railway, Government had not lost sight of the fact that the employees were transferable from place to place and so provision had been made for Railway employees at Shimoga, Arsikere, Bangalore and so on to become members of an association with headquarters at any one of the said places.

Mr. Bhupalam R. CHANDRASEKHARAYYA was glad to hear that statement from the Minister. But he was still afraid that reading sub-sections (8) and (12) of section 3 together, the object of the Bill would be frustrated. This was why he was in favour of the amendment being adopted. Secondly, the privileges open to the employees were going to be conferred only on the suggestion or recommendation of the Labour Commissioner; in other words, if the Labour Commissioner did not suggest or recommend, the benefit of these privileges would not be open to the labourers.

The PRESIDENT observed that the member need not go into the detailed provisions of the Bill at that stage.

Mr. F. C. DEVARAJ URS opposed the amendment. He thought that the seconder was more explicit than the mover himself with regard to the object of the amendment, namely, facilitating strikes. Personally, he was unable to sympathise with an object like that. Even granting that labourers had any grievance, they could discuss it in their own association and strive to get it redressed. There was no wisdom in expecting labourers of all other undertakings to go on strike on account of a grievance on the part of employees of a particular industrial undertaking. Recognition of a central association of labourers throughout the State would certainly lead to practical difficulties. The Bill as placed before the House was unobjectionable and in his opinion the amendment was altogether unnecessary.

Mr. M. SITARAMA SASTRI supported the amendment. He invited attention to the recent strike in the Binny Mills at Bangalore. The labourers in that case had gone on strike without advice to that effect from their own president. The labourers of the Maharaja Mills at Bangalore also had gone on strike without being advised to do so. The advice given by the labour union was not respected by them. If there had been a federation of central association, it could have effectively asked those labourers not to go on strike. If such an organisation came into being, at least in future, it could prevent sympathetic strikes. A federation was therefore an exceedingly desirable thing. Secondly, the existence of a federation would exercise a healthy and moderating influence on mill owners also. Even granting that the management of one or more mills ordered a lock-out, a central association could bring to bear on them all the weight of its influence and ultimately bring them round. In other words, the recognition of a central association of labourers would act as a check as well as a counter-check on employers and labourers alike. Government might have the fear that if a federation of associations was recognised, labour would become too powerful. On that point, he did not like to mince matters, because whether the Government willed it or not, labour was bound to become a power in future and unless

the Government recognised that vital point, influential politicians from outside were bound to come in and guide the working of employees' associations at all critical junctures and Government would have to face difficulties for which they might not be prepared. It was best therefore that they agreed to recognise not only the associations of the labourers of individual concerns but also the central organisations.

Mr. A. V. RAMANATHAN said that it would be well that members remembered the circumstances under which the proposed legislation came to be placed before the House. A mixed committee of officials and non-officials had been appointed to consider the question and Government were anxious to enact a measure in the interest of labourers to the extent that opinion was unanimously in favour of it. The Bill before the House contained provisions in respect of which consent was available to the extent of 100 per cent. He had already stated on an earlier occasion that there were certain points on which the representatives of factory owners had yielded in favour of labourers and also points on which labour representatives had yielded in the interests of factory owners. The instance under discussion was one of such points. Government's own opinion on this question of labour legislation was to hasten slowly. It might be that if one tried to soar too high, one might experience a fall.

He was somewhat surprised to hear one member say that the proposed Bill was going to withdraw the privilege of striking work which the labourers already enjoyed. He did not know whether strikes were ever regarded as a privilege. Strikes were generally followed by punishments so that they were to be regarded not as a matter of privilege or right but as something out of the ordinary. This was why he had appealed to the House to read sections 34 and 35 together which conferred immunity from civil damages and criminal prosecution in such matters. In that respect, the principle of the Trade Union Act had been embodied in the Bill.

Mr. K. CHENGALARAYA REDDY thought that the best principle of the Trade Union Act was that the employees of a number of similar undertakings should have a common association and wanted to know whether the same principle had been recognised here also.

Mr. A. V. RAMANATHAN replying on behalf of Government said that disputes between a factory owner and the labourers thereof could best be settled if the two could be brought together. It was in this view that associations of labourers were proposed to be recognised. The suggestion contained in the amendment went a step further, namely that the employees of all similar factories should have a common association. Perhaps that might come later. It might not have been provided in this Bill, but at any rate there was nothing to prevent such associations being recognised later on. If all the provisions in existence in other Acts were put in, in the proposed Bill, perhaps it might do more harm than good to the labourers themselves.

Mr. K. CHENGALARAYA REDDY then replied to the debate. He said that the discussion had brought two or three facts prominently to the notice of the House. The attitude of the Government in the past had been such as not to countenance the formation of trade unions at all. Mr. Rama Rao himself was an erstwhile officer of Government, and had given evidence of a similar attitude in this particular case. It was pleasing to note however that the attitude of the present Government was somewhat more encouraging, because they were prepared to bring together the labourers engaged in each undertaking. If that attitude improved a bit Government could easily agree to the labourers of different but similar industrial undertakings being brought together under a single organisation. He was glad that Mr. N. Rama Rao had now suggested that Government should not encourage a separatist tendency amongst labourers. In British India the Trade Union Act had been passed so long ago as 1926, and the Trade Disputes Act in 1934. Ever since those Acts were enacted, the people's

representatives in Mysore had been insistently requesting the Government to make similar enactments in Mysore. Unfortunately their representations had not been heeded to, and meanwhile, several strikes in different factories had taken place. It was pleasing to note that at least then the Government were attempting to put an end to the state of affairs existing so far. The only unsatisfactory feature of the legislation was that Government were not prepared to recognise central associations. When similar associations were working in British India for several years, both smoothly and efficiently, there was no reason to characterise the recognition of such associations within Mysore as taking too big a jump. Such an attitude on the part of the Government, the speaker regretted to say, would not do good either to the labourers or to the factory owners or even to the State. Certain members had expressed the fear that recognition of central associations would only result in more strikes. But on the contrary, he had no doubt that such associations would prevent strikes. That was the reason why Mr. M. Sitarama Sastri had so wisely and strongly supported the amendment. To say this, however, was not to say that the central association would not also recommend strikes in circumstances where they were really necessary.

The Minister had to allay the apprehension expressed by certain members that the Bill sought to withdraw certain existing privileges of labourers. The speaker would therefore not express the same apprehension again. Rather he would observe that the privileges proposed to be given to the labourers were not adequate and should therefore be extended. In this view he appealed to the House to support the amendment and to the Government to adopt it.

The amendment was put to vote and passed 124 members voting for *and 117* against.

At this stage (3-50 p.m.) the House adjourned to meet again at 12 noon on the following day.